

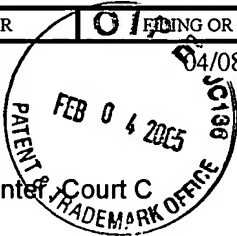


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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/820,522	04/08/2004	Joseph L. Arvin	10224-2-2

Jerry A. Schulman
Terrace Executive Center, Court C
One South
376 Summit Avenue
Oakbrook Terrace, IL 60181



CONFIRMATION NO. 8343

FORMALITIES LETTER



OC000000014824887

Date Mailed: 12/23/2004

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 12/06/2004 to the Notice to File Missing Parts (Notice) mailed 08/02/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$100 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$100 for a Small Entity

- Total additional claim fee(s) for this application is \$100
 - \$100 for 3 independent claims over 3.

Replies should be mailed to: Mail Stop Missing Parts

02/08/2005 DTESSEH1 00000044 10820522

Commissioner for Patents

01 FC:2201

100.00 OP P.O. Box 1450

Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in black ink, appearing to be 'JP' or similar, is written above a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE




Attorney Docket 10224-2-2

CERTIFICATE OF MAILING

Date of Deposit: January 31, 2004

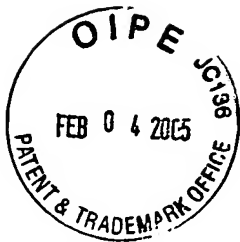
I hereby certify that the foregoing correspondence, consisting of REQUEST FOR EXTENSION OF TIME, is being deposited with the United States Postal Service as first class mail, postage prepaid, on the date indicated above and is addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.



Jerry A. Schulman
Registration No. 27,834

Law Offices of Jerry A. Schulman
Terrace Executive Center, Court C
1 South 376 Summit Avenue
Oakbrook Terrace, Illinois 60181

Telephone: (630)627-4552
Facsimile: (630)627-2145



Attorney Docket 10224-2-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Joseph L. Arvin)	
SERIAL NO.:	10/820,522)	Art Unit 3722
FILING DATE:	04 Apr 2004)	
TITLE:	Apparatus and Method for Machining Workpieces)	

Oakbrook Terrace, Illinois
January 31, 2005

The Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

**RESPONSE TO NOTICE OF INCOMPLETE REPLY
AND PETITION FOR REFUND**

Enclosed are a copy of the Notice to File Missing Parts of Nonprovisional Application mailed August 2, 2004 and the Notice of Incomplete Reply mailed December 23, 2004. We believe that the fees required by the Notice to File Missing Parts were correctly and timely paid and although we are enclosing payment for the additional fees and extension fee required for this response we are asking that the Patent Office acknowledge the error and immediately refund the enclosed payment.

I have tried numerous times to reach the Initial Patent Examination Division by telephone at (703)308-1202, the number printed on the Notice, and have left several messages but none have been returned. Today I spoke to Shirene Willis of the Office of Petitions who advised me that our prior payments were indeed noted in the financial records of the Patent Office. At her advice, we are filing this Response and Petition.

Facts

After reviewing the Notice of Incomplete reply I do not understand the basis for the determination that an additional \$100 is due to be paid for an additional independent claim in excess of three.

The application, as filed, contained independent claims numbered 1, 4, 7, 11, and 14. A preamble for a Claim 19 was mistakenly included on page 31 of the application and was

apparently considered by the Office to be an additional independent claim.

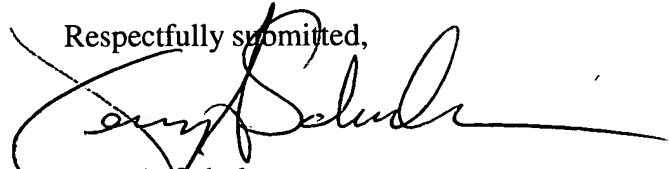
The original fee transmittal sheet listed five independent claims and an additional fee of \$86.00 for two additional independent claims in excess of three was included with the payment of the basic filing fee. A copy of the fee transmittal is attached. The Notice to File Missing Parts required the payment of \$43.00 as the fee for the additional independent "Claim 19" and a \$65.00 surcharge for the filing of the inventor's oath, for a total of \$108.00. Both of these amounts were paid by a charge authorization for \$108, leaving the application in fully paid-up status.

If the additional amount charged in the Notice of Incomplete Reply is based upon the fee schedule that went into effect on December 8, 2004, we submit that the changes did not affect this application. As shown by the enclosed postcard receipt, the Response to Notice to File Missing Parts was received in the mailroom on December 6, 2004 and the fees authorized by the Response to be paid by credit card were processed with American Express on December 7, 2004 as shown by the enclosed copy of our account summary. The sum of \$323.00 equals the charge of \$108.00 required by the Notice to File Missing parts and the \$215.00 fee for a two-month extension of time to file the Response.

Applicant's attorneys are including herewith two charge authorizations, one for \$765.00 to cover the request for an extension of time through February 2, 2005 and one for the \$100 fee set forth in the Notice of Incomplete Reply. This is being done to ensure that the application does not go abandoned. However, in the absence of any response to our phone calls and phone messages and in the absence of any explanation why the additional \$100 fee is being requested we are asking that these fees be waived or, if processed, that they be immediately refunded and that the Office acknowledge this in writing, preferably by email, and acknowledge that the application remains in good standing. Our email address is jerryschulman@ameritech.net.

If the Office needs further information please call the undersigned at 630.627.4552 or 630.205.4552.

Respectfully submitted,



Jerry A. Schulman
Registration No. 27,834

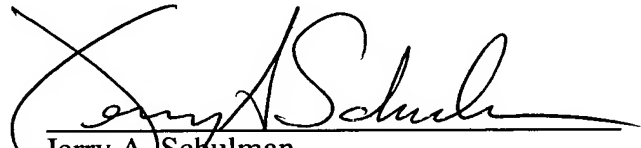
Law Offices of Jerry A. Schulman
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1 S. 376 Summit Avenue
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Telephone: (630)627-4552
Facsimile: (630)627-2145
Mobile: (630)205-4552

CERTIFICATE OF MAILING

Date of Deposit: January 31, 2005

I hereby certify that the foregoing correspondence, consisting of RESPONSE TO NOTICE OF INCOMPLETE REPLY, is being deposited with the United States Postal Service as first class mail, postage prepaid, on the date indicated above and is addressed to Mail Stop Missing Parts, Commissioner for patents, P.O. Box 1450, Alexandria VA 22313-1450



Jerry A. Schulman
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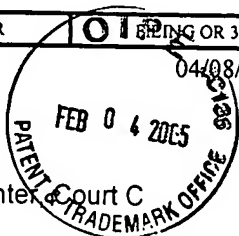


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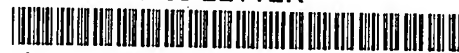
APPLICATION NUMBER	PENDING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/820,522	04/08/2004	Joseph L. Arvin	10224-2-2

Jerry A. Schulman
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 One South
 376 Summit Avenue
 Oakbrook Terrace, IL 60181



CONFIRMATION NO. 8343

FORMALITIES LETTER



OC000000013416144

Date Mailed: 08/02/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$43 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$108 for a Small Entity

- \$65 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$43
 - \$43 for 3 independent claims over 3.

K. Stephens

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

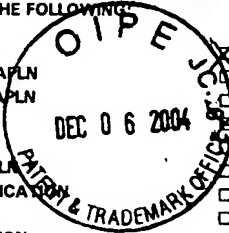


APPLICANT: ARROW GEAR COMPANY
SERIAL NO.: 10/820,522
FILING DATE: 04 APR 2004
TITLE: APPARATUS AND METHOD FOR MACHINING WORKPIECES

ATTORNEY DOCKET: 10224-2-2

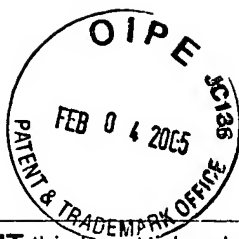
THE STAMP OF THE UNITED STATES PATENT AND TRADEMARK OFFICE MAILROOM HEREON
ACKNOWLEDGES RECEIPT OF THE FOLLOWING:

- NOTICE**
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| <input type="checkbox"/> _____ SHEETS FORMAL DRAWINGS | <input type="checkbox"/> ASSIGNMENT TO RECORD |
| <input type="checkbox"/> _____ SHEETS INFORMAL DRAWINGS | <input type="checkbox"/> ASSIGNMENT COVER SHEET PTO 1595 |
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| <input type="checkbox"/> REQUEST FOR STATUS | <input checked="" type="checkbox"/> CREDIT CARD AUTH. FOR \$ <u>1084.215</u> |
| <input type="checkbox"/> COMMUNICATION TO EXAMINER | <input type="checkbox"/> MAILING CERTIFICATE |
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ONLINE STATEMENT this is not a legal statement.**JERRY A SCHULMAN**

Closing Date: Jan 3, 2005

Account Summary

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Transaction Detail**New Activity for JERRY A SCHULMAN****XXXX-XXXXXX-11005**

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12/07/2004	<input checked="" type="checkbox"/> US PATENT TRADEMARK 703-305-4631	VA	323.00
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